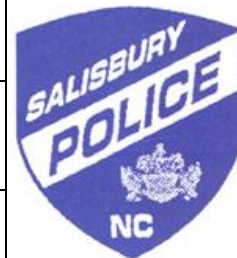


SALISBURY POLICE DEPARTMENT

Personnel Policy 0506	Issued by: J.P. Stokes, Chief of Police	No. of Pages: 16
Subject: Internal Investigation and Review Procedures	Effective Date: October 16, 2019	
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I. POLICY STATEMENT

The purpose of this directive is to establish guidelines for conducting Salisbury Police Department administrative investigations.

II. COMMENTARY

It shall be the policy of the Salisbury Police Department to conduct internal investigations in an impartial and objective manner and to maintain security of related administrative files.

III. DEFINITIONS

- A. **Adjudication** - Each allegation of employee misconduct must be adjudicated in one of the following classifications:
1. **Sustained:** The investigation disclosed sufficient evidence to prove the allegation made in the complaint was true and violated policy.
 2. **Unfounded:** An adjudication whereby the investigation proved the allegation to be false. The incident never occurred or the employee was not involved in the incident, or the investigation proved with reasonable certainty that the employee's alleged act or actions that would constitute misconduct did not occur.
 3. **Not Sustained:** The investigation failed to disclose sufficient evidence to prove or disprove the allegation made.
 4. **Exonerated:** The investigation disclosed sufficient evidence to prove the allegation made in the complaint was true but were justified, lawful, proper and within policy guidelines.
- B. **Administrative Investigations** – an investigation of a concern or complaint made against a police department employee by a Salisbury Police Department employee or by someone who wishes to remain anonymous.
- C. **Blue Team** – a secure software application where incidents are documented, updated, maintained and stored. Any Salisbury Police employee can make a Blue Team entry. Access to Blue Team entries is limited to supervisory and command personnel.

- D. **I/A Pro** -- a limited access secure software database where the information entered in from Blue Team is maintained.
- E. **Citizen Complaint** – an investigation of a concern by an identified person, other than a Salisbury Police Department employee, asserted against a Department employee.
- F. **Criminal Investigation** – an investigation conducted for law enforcement or prosecutorial purposes to include determining whether any crime has been committed, gathering necessary evidence, and preparing cases for prosecution review.
- G. **Fitness for Duty Review** – an investigation and evaluation overseen by Salisbury Police Department supervisory personnel and conducted by a medical professional of an employee's ability to meet minimum job duties and essential functions.
- H. **Garrity Warnings** – In accordance with the United States Supreme Court case Garrity v. New Jersey, warnings read to an employee ordering them to make a statement in an Internal Affairs Investigation and limiting all information, either provided or derived, to the Internal Affairs Investigation (ensuring the employee's constitutional rights against self-incrimination in a criminal matter).
- I. **Internal Investigations** – include Administrative Investigations and Citizen Complaint Investigations regarding employee behavior and can be used as a basis for discipline.
- J. **Internal Review** – includes Use of Force Investigations, Vehicle Pursuit Investigations, Early Warning Reviews, Fitness for Duty or other workplace conduct not identified as an Internal Investigation.
- K. **Inquiry** – a preliminary review or examination that does not rise to the level of a formal complaint investigation but could assist in determining the need for an Internal Investigation. This may be due to a lack of information such as details of an occurrence (hearsay information), names, and dates and times, etc. Investigation or follow-up on an Inquiry may be made before a determination to continue. The decision on responsibility for follow-up on the Inquiry may depend on the seriousness of that incident and will be made by the Professional Compliance Administrator or Manager. If during a follow-up to an Inquiry enough information is obtained to justify an Internal Investigation then the Inquiry would be marked completed and linked to a new Blue Team entry that registers the specific allegations.
- L. **Professional Compliance Administrator** - the captain commanding the Internal Affairs function of the police department.
- M. **Professional Compliance Manager** - the corporal assigned to oversee the Internal Affairs function of the police department.
- N. **Subject Matter Expert** – Salisbury Police Department Personnel with advanced knowledge, experience, and training or certifications dealing with a specific subject. Any Subject Matter Expert below the rank of Sergeant will be required to sign a confidentiality agreement in order to review Internal Review or Internal Investigation case files as part of the inquiry into employee conduct. While Subject Matter Experts may be part of the investigative process, they will not be part of corrective action determination. Subject Matter Experts may be requested to review the following types of Internal Review or Internal Investigations cases:
 - 1. Use of Force
 - 2. Firearm Discharge
 - 3. Driving/Accident Review

4. Search and seizure
 5. Basic Law Enforcement Training curriculum and standards
 6. Any other investigation as deemed appropriate by the Professional Compliance Administrator.
- O. **Use of Force Investigations** – an administrative review of an application of force by a Salisbury Police Department employee in performance of their duty.
- P. **Vehicle Pursuit Investigation** – an administrative review of a vehicle pursuit engaged in by a Salisbury Police Department employee in performance of their duty.

IV. PROCEDURES

A. Administration

1. Administering and conducting Internal Investigations and Reviews are done in order to maintain the professional conduct and integrity of Departmental employees.
2. The Professional Compliance Unit will be responsible for the Department's Internal Investigation and Review function. Such investigation may be assigned to other personnel when determined to be in the best interest of the Department or based on the nature of the incident. The Professional Compliance Unit will retain oversight responsibility for the administration and investigation of such matters.
3. Records pertaining to complaints against the Department or its employees, and any documentation resulting from Internal Investigations or Reviews, will be maintained by the Professional Compliance Unit in a secure file, either electronic or printed, that is separate from the Department's central records system and personnel files.
4. Every effort will be made to ensure that Internal Investigations and Reviews are conducted with confidentiality and in a thorough, timely fashion.
 - a. Internal Investigations and Reviews will be conducted by supervisory staff;
 - b. Internal Investigations and Reviews should be completed within the timeframe allocated to each type of investigation; and
 - c. additional time to complete an investigation may be approved, as necessary, by a supervisory level designated to oversee that particular type of investigation.
5. An employee, whether the subject of or a witness in an Internal Investigation or Review, shall be subject to disciplinary action, including discharge, for failure to:
 - a. promptly and fully cooperate with Internal Investigation or Review procedures;
 - b. truthfully and completely discuss matters and incidents related to an Internal Investigation or Review by omission of or misrepresenting facts or information; and
 - c. comply with required examinations, procedures, and disclosures.

6. Involvement in an incident or event will not supersede an employee's responsibility as a City of Salisbury employee to report work related activity, operations, or information truthfully, completely, and promptly. All statements provided either orally or in writing related to an administrative investigation or review such as a use of force, pursuit, or motor vehicle crash are considered an ordered statement for Salisbury Police Department purposes only. Those statements are protected from other use under Garrity v. New Jersey and Gardner v. Broderick US Supreme Court decisions. Employees are cautioned that statements found to be untruthful either factually or by omission may not be protected under these court cases and will subject the employee to disciplinary actions, likely to include termination.
 - a. Employees have a duty to report work related activities and observations inclusive of the employee's involvement in use of force, pursuits, and on-duty motor vehicle crashes. Therefore, employees will verbally report incident details when necessary to safeguard life, identify existing or ongoing threats to public safety, aid in suspect apprehension, or otherwise further an ongoing investigation.
 - b. Employees will fully cooperate and assist in reporting an incident likely to give rise to a claim against the City of Salisbury or Salisbury Police Department. Deliberate refusal to provide verbal or written information, that is truthful and factually complete with no purposeful omission, when ordered to do so will subject the employee to disciplinary action and could limit the employee's coverage under City of Salisbury liability insurance. Employees will complete all required or requested administrative reports, statements, or memorandum on request of any supervisor as soon as practical after an incident.
7. An employee subject to an Internal Investigation will receive written notification of the complaint from the Professional Compliance Manager. This notification will include summary adequately listing the relevant facts of the complaint and the employee's rights and responsibilities during the investigation. With authorization of the Chief of Police, the Professional Compliance Manager may elect to not inform the employee of a complaint to ensure the integrity of the investigation.
8. All interviews will be conducted when the employee is on-duty, unless the seriousness of the matter is such that an immediate interview is required.
9. The employee is free to consult with counsel (at the employee's expense) prior to and after any interview; however, the employee will not be permitted to have legal counsel during the interview, nor will the employee be permitted to have another person accompany the employee during the interview.
10. The Department will make public its procedures for registering complaints through such means as the website, news media, annual reports, and/or the community relations program.
11. The Department will include, if any is completed, in its annual report, and make available to the public, statistical information pertaining to Internal Investigations and Reviews.

B. Complaint Processing

1. All complaints regarding an employee of the Department shall be documented and investigated.
2. Complaints may be made in person, by telephone, or in writing. Anonymous complaints, or complaints from citizens who wish their names to be held in confidence, shall be accepted for investigation.
3. Non-supervisory Personnel in receipt of a complaint against the Department or any of its employees are to direct the complainant to the Professional Compliance Manager. When the Professional Compliance Manager is not available (e.g. after normal business hours), the complainant should be referred to an on duty supervisor.
4. If a complainant refuses such referrals, all available information is to be recorded by the receiving employee and forwarded to the Professional Compliance Manager.
5. Any supervisor receiving a complaint will complete the standard complaint form in Blue Team. Any action to correct the problem or otherwise investigate the matter may be handled at the supervisor's level if it is appropriate based on the nature of the complaint as set forth in IV(B)(7).
 - a. The shift supervisor may attempt to resolve a complaint during the initial contact with the complainant, or may delegate such action to the supervisor of the personnel involved.
 - b. Attempts to resolve complaints shall be noted on the complaint report. Complaint reports shall be forwarded to the Professional Compliance Manager, even in those instances when the complaint is resolved at the time of receipt.
 - c. The supervisor will provide to the complainant, when requested, a written verification indicating the receipt of the complaint and a description of the Departmental complaint process.
 - d. Allegations that are likely to have an adverse impact upon the Department (e.g. use of deadly force) are to be reported immediately to the Professional Compliance Manager and the Chief of Police through the chain of command.
6. The original complaint entry and attached documentation is to be forwarded, through Blue Team, to the Professional Compliance Unit within the timeframes outlined in Addendum A.
7. Internal Investigations are assigned to a supervisor or the Professional Compliance Manager based on the Category Violation as defined in Personnel Policy 0501, *Disciplinary System* in Addendum A, *Infraction Matrix*.
 - a. Internal Investigations that could result in discharge, suspension or demotion no matter the category, will be retained by the Professional Compliance Unit for investigation.

- b. Internal Investigations that are Category A, B, or C Violations may be directed to the appropriate supervisor for investigation. Internal Investigations of Category D or E Violations will be retained by the Professional Compliance Unit.
 - c. Internal Investigations involving employees in more than one unit or workgroup will be retained by the Professional Compliance Unit for investigation.
 - d. Any criminal investigation will be handled according to section D. below.
- 8. Employees are required, as outlined in *Rules of Conduct*, 0301.31 Violation of Law report any time the employee is charged with a violation of a criminal or traffic law or ordinance shall as soon as possible report such fact in writing to the Chief of Police through the chain of command. The report of a law violation will require an Internal Review to determine if an Internal Investigation is warranted.
- 9. Internal Reviews are assigned to or responsibility of a supervisor, except as set forth below.
 - a. Use of Force Investigations involving use of deadly force or resulting in serious injury to any person will be retained by the Professional Compliance Unit.
 - b. Vehicle Pursuit Investigations of pursuits that result in a crash of any involved vehicle (either department, other agency, or private), or can be attributed to the pursuit, that results in death or serious injury of any person will be retained by the Professional Compliance Unit.
 - c. Fitness for Duty Investigations will be retained by the Professional Compliance Unit.
 - d. A supervisor will initiate a Use of Force investigation and Vehicle Pursuit Investigation of incidents that occur during a tour of duty.

C. Supervisory Responsibilities

- 1. Specific Supervisory Responsibilities by Rank
 - a. Supervisors and Sergeants – are typically responsible for conducting any Internal Investigations related to performance complaints alleging inappropriate conduct by police officers or civilian employees in their chain-of-command considered Category A Violations.
 - b. Lieutenants – are typically responsible for conducting any Internal Investigations related to performance complaints alleging inappropriate conduct considered A, B, or C Violations by their team or unit assigned employees.
 - c. Captains – are typically responsible for conducting any Internal Investigations related to performance complaints alleging inappropriate conduct by Lieutenants in their chain-of-command.
 - d. Deputy Chief of Police – is typically responsible for conducting any Internal Investigations related to performance complaints alleging inappropriate conduct by Captains.

- e. Chief of Police – is typically responsible for conducting any Internal Investigations related to performance complaints alleging inappropriate conduct by the Deputy Chief.

D. Criminal Investigations Procedures

1. Criminal Investigations will be conducted separately from Internal Investigations.
2. Related criminal and Internal Investigations will be assigned to separate investigators or investigative teams.
3. Criminal and Internal Investigation files will be separately maintained.
4. At the request of the Chief of Police, Criminal Investigations may be conducted by the State Bureau of Investigation or other appropriate law enforcement agency.
5. Prior to an interview that is part of a Criminal Investigation being conducted by a Salisbury Police Department employee, the employee under investigation will be advised:
 - a. that the investigation is not for Internal Investigation purposes;
 - b. they are not compelled to answer and Garrity does not apply; and
 - c. the employee being interviewed will be required to acknowledge either verbally or in writing that they understand the purpose of the interview.
6. Prior to interviews by another law enforcement agency related to a Criminal Investigation of an on duty Salisbury Police Department employee, the employee will be advised the interview is not for Internal Investigation purposes.
7. Employees may have legal counsel present (at the employee's expense) during a Criminal Investigation interview.
8. Employees in custody or the functional equivalent of custody will be advised of Miranda.
9. At no time should the employee be advised of both Miranda and Garrity Warnings during the same interview.
10. Department personnel conducting a criminal investigation of an employee's activities will have no access to Garrity-protected statements made by that employee, or to Internal Investigation findings based upon that employee's Garrity-protected statements.
11. Department personnel conducting Internal Investigations will not share either Garrity-protected statements made by an employee, or Internal Investigation findings based upon an employee's Garrity-protected statements, with any person conducting a criminal investigation targeting that employee.
12. Personnel conducting Internal Investigations will be granted access to related criminal internal investigation interviews and information being conducted by Salisbury Police Department personnel.
13. There are no time limits for the completion of a Criminal Investigation.

C. Internal Investigation Procedures

1. The supervisor conducting the investigation will be of a higher rank than the employee being investigated unless approved by the Professional Compliance

Administrator or the investigation is assigned to the Professional Compliance Manager.

2. Complaints of an officer's performance or demeanor that are minor (Category A Violations) in nature are usually initiated in one of the following ways:
 - a. The supervisor personally becomes aware of a complaint or violation of a rule; or
 - b. The complaint is delegated to the supervisor by the Professional Compliance Unit.
3. Upon becoming aware of or receiving notification of a complaint or rules violation considered minor performance or demeanor (Category A Violations) by an employee under the supervisor's control, the supervisor shall begin an immediate investigation of such allegations.
4. For Complaints considered minor performance or demeanor (Category A Violations), Internal Investigations will be completed within the timeframes noted in Addendum A. Extensions may be granted by the Professional Compliance Unit as necessary
5. Such allegations are to be reported by means of Blue Team.
6. Prior to an interview that is part of an Internal Investigation, the employee under investigation shall be advised as follows as appropriate to the investigation:
 - a. The employee can be required to answer all questions specifically, narrowly and directly related to the performance of his official duties.
 - b. Refusal to comply with an order to answer such questions is a violation of Departmental rules, which may subject the employee to further discipline, up to and including dismissal.
 - c. Any required self-incriminatory admission made during the interview may be used only in administrative proceedings, and shall not be used against the officer in any criminal proceedings.
7. Employees are not permitted to have counsel or other representatives present during an Internal Investigation or Review interview. Employees are not prohibited from seeking advice of Counsel (at the expense of the employee) prior to or after such interviews unless such consultation unnecessarily delays the interview.
8. With approval of the Chief of Police, any officer or employee who is the subject of an Internal Investigation may be required to undergo a polygraph or similar examination at the department's expense. Such examination may be conducted by an outside agency or an appropriately qualified SPD employee. The results of such examination shall be admissible in any disciplinary determination by the Department or the City Of Salisbury.
9. Internal Investigations will be completed within timeframes outlined in Addendum A. Extensions may be granted by the Professional Compliance Administrator as necessary.
10. The supervisor investigating the incident will identify and outline an Adjudication of all alleged policy violations based on the evidence gathered.

11. The investigating supervisor may use Subject Matter Experts to assist with determining an Adjudication.
12. Upon completion of the investigation, the Professional Compliance Unit shall forward through the employee's chain of command for recommendations for further investigation or other disposition of the case.
13. The Professional Compliance Unit will keep the employee's Captain, Deputy Chief of Police, and Chief of Police informed of progress of the investigation and updated information.
14. The Professional Compliance Unit or assigned investigating supervisor will keep the complainant informed of the status of the complaint by means of periodic telephone or personal contacts.
15. In the event of a Citizen Complaint, the Professional Compliance Unit will notify the complainant when the investigation is completed. Notification will be made in writing via first class, certified mail. Any phone contacts made or received will be recorded in Blue Team.
16. The complainant will be advised that the investigation has been completed and handled in accordance with Department policy. Personnel records may only be released as allowed under NCGS § 160A-168 *Privacy in Personnel Records*.

D. Special examinations

1. The Department may require breath, blood, urine, psychological, polygraph, or medical examinations as part of an Internal Investigation or Review.
2. An employee under investigation may request a breath, blood, urine, psychological, polygraph, or medical examination in order to assist in his or her defense.
3. If an identification line-up is solely for administrative purposes, or criminal prosecution is not reasonably planned, an employee may be required to stand in a line-up.
4. Photographs of Department employees may be taken and used in conducting internal investigations.
5. Property issued or maintained by the Salisbury Police Department and City of Salisbury for employee use, including but not limited to, lockers, phones, computers, tablets, iPads, desks, work place areas, vehicles, or machinery, remains under the control of the Salisbury Police Department or City of Salisbury and is subject to inspection at any time, without notice to the employee, and without the employee's presence. Employees should have no expectation of privacy in any of these areas. The Salisbury Police Department and City of Salisbury assume no responsibility for the loss of, or damage to, any employee property maintained on any City's premises including that kept in lockers and desks. The Police Department and City of Salisbury provides lockers for the personal possessions for some of its employees. These lockers should be maintained in a clean and sanitary condition. As part of the employee's privilege for use of these lockers, employees must agree to allow the City to inspect or otherwise gain access to the locker and its contents at any time, with or without notice to the employee, and without the employee's

presence. Employees may be required to submit financial disclosure statements as part of an Internal Affairs Investigation.

6. Special examinations may be warranted and employed in the following conditions:
 - a. alleged or suspected criminal misconduct;
 - b. suspected use of alcohol or drugs as guided by the City Drug Free Workplace Policy;
 - c. alleged or suspected misconduct of a non-criminal nature; or
 - d. when necessary to aid in identification of officers, and/or as part of any Internal Investigation.
7. Requirements for the submission to such examinations as outlined above will be presented in the form of an order from the Professional Compliance Unit. Refusal to comply with such orders will be considered insubordination and can result in discipline up to and including termination.
8. Employees are not permitted to have counsel or other representatives present during a special examination. Employees are not prohibited from seeking advice of Counsel (at the employee's expense) prior to or after such examinations unless such consultation unnecessarily delays the examination.

E. Hearing, Disciplinary Action, and Appeals

1. Any hearings or corrective action arising out of an Internal Investigation or Review will be conducted in accordance with Personnel Policy 0501, *Disciplinary Process*.
2. Grievances arising from disciplinary actions will be conducted in accordance with Department and City Grievance Policy.

F. Use of Force Investigations

1. Supervisory investigation of use of force incidents will be conducted in accordance with guidelines set forth within this policy as Internal Reviews.
2. All investigations will be completed by a Sergeant, Lieutenant, Captain, or the Professional Compliance Unit.
3. An on duty supervisor, upon learning that a use of force by an on or off duty Salisbury Police Officer has occurred, will immediately respond to the scene and determine if the force applied was deadly force or resulted in serious bodily injury requiring a notification to Command Staff and the Professional Compliance Unit.
4. When appropriate, the supervisor will immediately initiate an Internal Review and will:
 - a. verify the information being reported by the involved officer;
 - b. factually complete an Internal Review of Use of Force in Blue Team;
 - c. obtain a statement for use in the review of policy compliance from the person force was applied to by the officer(s);

- d. obtain any witness statements, either civilian or officer;
- e. review any video or audio recordings of the incident, including any available outside source audio and video recording systems;
- f. be responsible for obtaining any unedited audio or video recording of the incident which is to be submitted as evidence in the case;
- g. attaching a copy to the Blue Team report, trimmed in length so as to capture the events that led to the use of force and the application of force itself, any video and audio recordings;
- h. photograph any injuries to the person force was applied to, whether that person was injured by the officer or not;
- i. photograph any property damage resulting from the application of force;
- j. photograph any relevant evidence the supervisor feels necessary to assist in documenting the event details; and
- k. submit through Blue Team a Use of Force report through the chain of command as soon as practical (and within the timeline stated in Addendum A) of the use of force incident.

5. Each supervisory level will:

- a. review the Blue Team Use of Force Report and any related investigatory materials for completeness and policy compliance for the act reported;
- b. ensure that the investigatory documentation accurately reflects the action(s) taken by the suspect(s) and involved officer(s);
- c. recommend initiating corrective action as outlined in Personnel Policy 0501, *Disciplinary System* or initiate an Administrative Investigation as necessary if policy violations are identified; and
- d. forward the Blue Team report to the next level in the chain of command.

G. Vehicle Pursuit Investigations

- 1. Supervisory investigation of vehicle pursuit incidents will be conducted in accordance with guidelines set forth within this policy as Internal Reviews.
- 2. All investigations will be completed by a Sergeant, Lieutenant or Captain or the Professional Compliance Unit.
- 3. On duty supervisors will monitor and assume command of any vehicle pursuit as noted in Operational Policy 0401, *Police Vehicular Pursuit*.
- 4. The supervisor will review the Blue Team entry made by the involved officer(s) and will:
 - a. verify the information being reported by the involved officer;
 - b. factually review the vehicle pursuit report submitted in Blue Team by the officer;

- c. review any video or audio recordings of the incident, including any available outside source audio and video recording systems;
 - d. obtain an unedited audio or video recording which is to be submitted as evidence in the case;
 - e. attach a copy to the Blue Team report, trimmed in length so as to capture the pursuit any video and audio recordings;
 - f. photograph any property damage resulting from the pursuit;
 - g. ensure accidents are appropriately reported; and
 - h. photograph any relevant evidence the supervisor feels necessary to assist in documenting the event details;
5. Each supervisory level will:
- a. review the Blue Team Vehicle Pursuit Report and any related investigatory materials for completeness and policy compliance for the act reported;
 - b. ensure that the investigatory documentation accurately reflects the event;
 - c. recommend initiating corrective action as outlined in Personnel Policy 0501, *Disciplinary System* or initiate an Administrative Investigation as necessary if policy violations are identified; and
 - d. submit through Blue Team a Pursuit Review report through the chain of command as soon as practical (and within the timeline stated in Addendum A) of the use of force incident.

H. Personnel Early Warning Review

- 1. The Personnel Early Warning System (EWS) is a tool to assist supervisory personnel in monitoring employee performance.
- 2. The EWS is a time-sensitive process designed to effectively organize critical performance and evaluation data in a format conducive to promptly identify early indicators of certain performance and/or conduct related problems and to facilitate any necessary or appropriate intervention activities.
- 3. The early identification of potential personnel issues and a menu of remedial actions can increase agency accountability and offer employees a better opportunity to meet the agency's values and mission statement.
- 4. As a part of the performance evaluation, supervisors will review his/her employee's work file(s) to determine if there are any inappropriate conduct/behavior developing (i.e. sick time, tardiness, attitude problems, family problems affecting work) with the purpose of early intervention to correct the problem(s). Sources of review include, but are not limited to:
 - a. past employee evaluations;
 - b. disciplinary actions;

- c. complaints lodged by one employee against another;
 - d. complaints lodged by citizens against agency personnel;
 - e. incidents of spousal abuse;
 - f. use of force incidents;
 - g. traffic crashes;
 - h. vehicle pursuits;
 - i. assaults on the officer (i.e.. officer as victim); and
 - j. sick leave used.
5. Supervisors are crucial elements to a successful Personnel Early Warning System. Along with daily monitoring of employee work activities, supervisors must take proactive measures to address identified deficiencies in employee performance or conduct at the earliest practical time.
 6. Supervisors assigned to oversee routine reporting and review functions related to employee performance must remain alert to patterns or indicators that suggest the need for follow up review and/or intervention. The goal is to identify escalating patterns of less serious misconduct that can be abated through early intervention.
 7. If the first level supervisor, or Professional Compliance Manager, in his/her review, notes a pattern of behavior/conduct which needs to be corrected, he/she will initiate the personnel early warning system and notify their immediate supervisor. The supervisors will review the work file(s) in order to determine a course of action for improvement or correction of the problem(s).
 8. The officer's supervisors shall meet to discuss the report and other relevant information and determine if corrective actions are warranted. These actions may include but are not limited to the following:
 - a. No additional action.
 - b. Counseling and monitoring by employees' supervisor.
 - c. Corrective disciplinary action as appropriate.
 - d. Formal monitoring for a minimum of 12 weeks with monthly formal reviews and reports.
 - e. Reassignment.
 - f. Remedial actions shall be instituted for the purpose of correcting the pattern of conduct/behavior. Remedial actions will be in accordance with established Departmental and City Policies. They may include training, counseling, medical interventions, monitoring and discipline.

- g. Where it is deemed appropriate, the employee will be advised of the availability of the Employee Assistance Program. This program is a voluntary and confidential program available to the employee and his/her family.
 - h. The Chief of Police may require an employee to contact the Employee Assistance Program for evaluation/assistance with a specific need or problem.
- 9. When a course of action has been determined, the supervisors will address the problem and the recommendations for improvement with the employee. The supervisors should be open to alternatives for improvement that may be proposed by the employee.
- 10. Formal follow-up efforts will minimally require the appropriate supervisor to conduct timely EWS review meetings with identified employees and their first and second level supervisors.
- 11. All documentation will be forwarded to the Professional Compliance Manager. The Professional Compliance Officer will maintain a secure file of all initiated early personnel warning system activity.
- 12. In addition to the supervisor initiated EWS, the department's internal affairs software will monitor employees for excessive use of force, vehicle pursuits, citizen complaints, etc. The criteria for an alert within the system will be:
 - a. Administrative Investigation, 3 in 12 months
 - b. Citizen Complaint, 4 in 12 months
 - c. Inquiry, 6 in 12 months
 - d. Use of Force, 6 in 12 months
 - e. Vehicle Accident, 2 in 12 months
 - f. Vehicle Pursuit, 3 in 12 months
 - g. Overall Combination, 8 in 12 months
- 13. Once an alert is received, the Professional Compliance Officer will review the incidents that triggered the alert and make a determination if any further investigation is needed.
- 14. In the event that further investigation is needed due to a system alert, the Professional Compliance Officer will initiate that investigation and forward the investigation to the appropriate supervisor for review or retain the investigation for an internal matter. This investigation will be handed in the "Alert" function of the system.

I. Availability of Counseling:

1. Any employee who wishes to seek counseling is encouraged to do so at any time, by notifying a supervisor or one of the contact persons listed in the Addendum to this directive.

J. Arrangement of a stress management session:

1. Upon notification, the arrangement of a critical incident stress management session will be finalized by the contact person.
2. The employee should provide details of the incident to the contact person, including the name of the incident supervisor.
3. It is recommended that employees involved in critical incidents receive a management session:
 - a. after passage of a 24 hour post-incident "normalizing period"; but
 - b. within two to four days after the incident.
4. The employee's attendance at the initial critical incident stress management session will be arranged as follows:
 - a. there will be no cost to the employee for a stress management session;
 - b. every effort will be made to schedule the session during the work hours of the majority of the employees involved;
 - c. should continuing counseling or treatment be needed, an appropriate referral will be made by the group moderator; and
 - d. employee attendance at a management session will be strictly voluntary.

K. Fitness For Duty Review:

1. Fitness for duty and other fact-finding investigations will be conducted according to general internal investigation guidelines set forth within this directive.
2. Fitness for duty and other fact-finding investigations will be initiated as Internal Investigations or Reviews to serve departmental purposes.
3. Guidelines and procedures for specialized Internal Reviews will be developed at the direction of the Chief of Police, based upon the specific requirements of the situation at hand.
4. The investigating supervisor will be responsible for ensuring that the investigation conducted:
 - a. is both adequate and appropriate to the situation being investigated;
 - b. is narrowly focused on the specific performance or demeanor problem alleged; and
 - c. is completed in a timely manner.

5. Investigating supervisors will make every effort to complete fitness for duty investigations within the timeframe outlined in Addendum A.
6. As necessary, the investigating supervisor may request the Chief of Police to grant additional time for completion of an ongoing investigation.

Addendum A

Type of Investigation	Initial Entry and Responsibility	Assignment for Investigation	Completion of Investigation	First Level Review and Responsibility	Second Level Review and Responsibility	Completion
Pursuit Review	Before end of tour of duty on day of incident by involved Officer(s)	Immediately assigned to Reviewing Supervisor unless otherwise directed	15 days by responsible supervisor	7 Days by Lieutenant unless further review or information needed	15 Days by Captain unless further review or information needed	60 Days unless further review or information needed
Use of Force Investigation	Before end of tour of duty on day of incident by involved Officer(s)	Immediately assigned to Reviewing Supervisor unless otherwise directed	15 days by responsible supervisor	7 Days by Lieutenant unless further review or information needed	15 Days by Captain unless further review or information needed	60 Days unless further review or information needed
Category A Violation	Before End of Tour of Duty on day of receipt/receiving or observing supervisor	Immediately assigned to Reviewing Supervisor unless otherwise directed	15 days by responsible supervisor	7 Days to approve and recommended discipline by Lieutenant unless further review or information needed	15 Days to approve and recommended discipline by Captain unless further review or information needed	60 Days unless further review or information needed
Category B, C, D, or E Violation	Before End of Tour of Duty on day of receipt/receiving or observing supervisor	Assigned to Reviewing Supervisor or Detective by Professional Standards within 2 business days unless otherwise directed	30 days by responsible supervisor or detective for Cat. B or C. 90 days for Cat. D or E.	7 Days to approve recommended discipline by Lieutenant or Captain unless further review or information needed	15 Days to approve recommended discipline by Captain unless further review or information needed or as appropriate request hearing if recommending discipline.	60 days to complete review, conduct hearing as needed and administer discipline unless further information is needed
Fitness For Duty Evaluation	Before End of Tour of Duty on Day of Approval by the Chief of Police	Professional Standards to coordinate evaluation within 2 business days	Based on evaluator's schedule	Within 15 days of receipt of report on FFD by Captain	Within 15 days of review of report by Captain or Major	Within 60 Days unless further information needed